

[ORAL ARGUMENT HELD MAY 16, 2025]  
No. 25-5091

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

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NATIONAL TREASURY EMPLOYEES UNION, *et al.*,

*Plaintiffs-Appellees,*

v.

RUSSELL T. VOUGHT, in his official capacity as Acting Director of the  
Consumer Financial Protection Bureau, *et al.*,

*Defendants-Appellants.*

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*On Appeal from the United States District Court  
for the District of Columbia*

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**MOTION OF CONSTITUTIONAL ACCOUNTABILITY CENTER FOR  
INVITATION TO FILE BRIEF AS *AMICUS CURIAE* IN SUPPORT OF  
PLAINTIFFS-APPELLEES' PETITION FOR REHEARING *EN BANC***

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Movant Constitutional Accountability Center (CAC) respectfully requests an invitation from this Court, under Circuit Rule 40(f), to submit a brief as *amicus curiae* in support of Plaintiffs-Appellees' petition for rehearing *en banc*. *See, e.g., Campaign Legal Ctr. v. Fed. Election Comm'n*, No. 22-5339 (D.C. Cir. Mar. 11, 2024) (granting request for an invitation to file an *amicus* brief in support of a petition for rehearing *en banc*). Pursuant to D.C. Circuit Rule 29(b), undersigned counsel for *amicus curiae* represents that counsel for all parties have consented to the filing of this brief.

## **I. Interest of *Amicus Curiae***

CAC is a think tank and public interest law firm dedicated to fulfilling the progressive promise of the Constitution's text and history. CAC works to improve understanding of the Constitution and accordingly has an interest in this case. CAC has filed *amicus* briefs in this Court and other courts addressing the Constitution's separation of powers, *see, e.g.,* Brief of Constitutional Accountability Center as *Amicus Curiae* in Support of Plaintiffs-Appellees, *Global Health Council v. Trump & AIDS Vaccine Advocacy Coalition v. Department of State*, Nos. 25-5097, 25-5098 (D.C. Cir. filed June 13, 2025); Brief of Constitutional Accountability Center as *Amicus Curiae* in Support of Plaintiffs-Appellees, *The Sustainability Institute v. Trump*, No. 25-1575 (4th Cir. filed July 11, 2025), and Congress's exclusive power to create, restructure, and abolish federal agencies, *see, e.g.,* Brief of Constitutional

Accountability Center as *Amicus Curiae* in Support of Plaintiffs, *AFGE v. Trump*, No. 25-3698 (N.D. Cal. filed May 7, 2025); Brief of Members of Congress as *Amici Curiae* in Support of Plaintiffs, *NAACP v. United States*, No. 25-965 (D. Md. filed July 3, 2025). Accordingly, CAC has developed expertise relevant to the viability of constitutional claims challenging a President's unilateral elimination of executive-branch agencies.

## **II. Usefulness of Briefing by Prospective *Amicus Curiae* in this Case**

Movant believes its proposed brief would be useful to the Court for several reasons. First, it provides a unique historical perspective on Congress's plenary control over the creation, restructuring, and abolition of executive-branch agencies. Second, it provides a detailed analysis of *Dalton v. Specter*, 511 U.S. 462 (1994), and why that case does not foreclose judicial review of the separation-of-powers claim in this case. Third, it zooms out from *Dalton v. Specter* to demonstrate how the Supreme Court has analyzed constitutional claims alongside statutory violations and makes clear how constitutional review in this case fits into the broader doctrinal landscape.

## **CONCLUSION**

For the foregoing reasons, Movant Constitutional Accountability Center respectfully requests that the Court invite it to file the accompanying *amicus curiae* brief.

Respectfully submitted,

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Dated: September 30, 2025

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(w) because it contains 430 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f) and Circuit Rule 32(e)(1).

I further certify that this motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6), because it has been prepared in a proportionally spaced typeface using Microsoft Word 14-point Times New Roman font.

Executed this 30th day of September, 2025.

/s/ Brianne J. Gorod  
Brianne J. Gorod

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the D.C. Circuit by using the appellate CM/ECF system on September 30, 2025.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Executed this 30th day of September, 2025.

/s/ Brianne J. Gorod

Brianne J. Gorod

*Counsel for Amicus Curiae*